IN THE CLAIMS

Please amend the claims as follows:

1.   (Currently Amended) A network-based commerce system, said network commerce system comprising ~~including~~:

a processor coupled to a memory through a bus; and

a fixed price-setting process executed from the memory by the processor to:

> determine that a high proxy bid is less than a reserve price, wherein the high proxy bid is the highest current proxy bid and the reserve price is the minimum price at which a seller is willing to sell an item, and
>
> in response to the determining, cause the processor to automatically publish at least one of a proxy bid information set by a proxy bidder and [[a]] the reserve price ~~if a high proxy bid is less than the reserve price the proxy bid information and the reserve price being associated with a listing for an item during a network-based auction price-setting process~~, wherein the proxy bid information includes the highest price that the proxy bidder is willing to pay for the item.

2.   (Currently Amended) The network-based commerce system of claim 1, wherein the fixed price process further causes the processor to automatically unpublish[[ing]] the proxy bid information upon the high proxy bid exceeding the reserve price.

3.   (Currently Amended) The network-based commerce system of claim 1, wherein the fixed price process further causes the processor to facilitate a request for an adjustment of a fixed price offer associated with ~~a seller of~~ the listing for the item, the request to be sent to the seller.

4.   (Original) The network-based commerce system of claim 1, wherein the publication is performed during the auction price-setting process.

5.   (Original)   The network-based commerce system of claim 1, wherein the publication is performed after the auction price-setting process.

6.   (Currently Amended) The network-based commerce system of claim 1, said network commerce system further comprising:

automatically notifying a buyer the bidder when the reserve price is published.

7.   (Currently Amended) The network-based commerce system of claim 1, wherein the fixed price-setting process further causes the processor to publish the at least one of a proxy bid information and the reserve price, when publishing to publish for view by a specific buyer only.

8.   (Original) The network-based commerce system of claim 1, wherein the fixed price-setting process further causes the processor, when publishing to display the maximum bid amount a buyer is willing to bid to purchase an item on the listing.

9.   (Currently Amended) A network-based commerce system, said network commerce system comprising including:

means for determining that a high proxy bid is less than a reserve price, wherein the high proxy bid is the highest current proxy bid and the reserve price is the minimum price at which a seller is willing to sell an item;

[[a]] means for automatically publishing at least one of a proxy bid information set by a proxy bidder and [[a]] the reserve price in response to the determining if a high proxy bid is less than the reserve price the proxy bid information and the reserve price being associated with a listing for an item during a network-based auction price-setting process, wherein the proxy bid information includes the highest price that the proxy bidder is willing to pay for the item; and

[[a]] means for storing the listing.

10.   (Currently Amended) The network-based commerce system of claim 9, said network-based commerce system further comprising:

a means for automatically unpublishing the proxy bid information upon the high proxy

bid exceeding the reserve price.

11.   (Currently Amended) The network-based commerce system of claim 9, said network-based commerce system further comprising:

a means for facilitating a request for an adjustment of a fixed price offer associated with a

seller of the listing for the item, the request to be sent to the seller.

12.   (Original) The network-based commerce system of claim 9, wherein the publication is performed during the auction price-setting process.

13.   (Original) The network-based commerce system of claim 9, wherein the publication is performed after the auction price-setting process.

14.   (Currently Amended) The network-based commerce system of claim 9, said network-based commerce system further comprising:

a means for automatically notifying a buyer when the reserve price is published.

15.   (Original) The network-based commerce system of claim 9, wherein the publishing includes publishing for view by a specific buyer only.

16.   (Original) The network-based commerce system of claim 9, wherein publishing includes displaying the maximum bid amount a buyer is willing to bid to purchase an item on the listing.

17.   (Currently Amended) A machine-readable medium having instructions to cause a machine to perform a method to facilitate operation of a network-based commerce system, the method ~~including~~ comprising:

determining that a high proxy bid is less than a reserve price, wherein the high proxy bid is the highest current proxy bid and the reserve price is the minimum price at which a seller is willing to sell an item; and

in response to the determining, automatically publishing at least one of a proxy bid information set by a proxy bidder and [[a]] the reserve price ~~if a high proxy bid is less than the reserve price the proxy bid information and the reserve price being associated with a listing for an item during a network-based auction price-setting process~~, wherein the proxy bid information includes the highest price that the proxy bidder is willing to pay for the item.

18.   (Currently Amended) The machine-readable medium of claim 17, wherein said method further performs ~~comprising~~:

automatically unpublishing the proxy bid information upon the high proxy bid exceeding the reserve price.

19.   (Currently Amended) The machine-readable medium of claim 17, wherein said method further performs ~~comprising~~:

facilitating a request for an adjustment of a fixed price offer associated with a seller of the listing for the item, the request to be sent to the seller.

20.   (Original) The machine-readable medium of claim 17, wherein the publication is performed during the auction price-setting process.

21.   (Original) The machine-readable medium of claim 17, wherein the publication is performed after the auction price-setting process.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
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Page 6
Dkt: 2043.033US1

22.   (Currently Amended) The machine-readable medium of claim 17, wherein said method further performs ~~comprising~~:

automatically notifying a buyer when the reserve price is published.

23.   (Original) The machine-readable medium of claim 17, wherein the publishing includes publishing for view by a specific buyer only.

24.   (Original) The machine-readable medium of claim 17, wherein publishing includes displaying the maximum bid amount a buyer is willing to bid to purchase an item on the listing.

25.   (Currently Amended) A method to facilitate operation of a network-based commerce system, the method including:

determining that a high proxy bid is less than a reserve price, wherein the high proxy bid is the highest current proxy bid and the reserve price is the minimum price at which a seller is willing to sell an item; and

in response to the determining, automatically publishing at least one of a proxy bid information set by a proxy bidder and [[a]] the reserve price ~~if a high proxy bid is less than the reserve price the proxy bid information and the reserve price being associated with a listing for an item during a network-based auction price-setting process~~, wherein the proxy bid information includes the highest price that the proxy bidder is willing to pay for the item.

26.   (Currently Amended) The method of claim 25, said method further comprising:

automatically unpublishing the proxy bid information upon the high proxy bid exceeding the reserve price.

27.   (Currently Amended) The method of claim 25, <u>said method</u> further comprising:

> facilitating a request for an adjustment of a fixed price offer associated with a seller of the listing for the item, the request to be sent to the seller.

28.   (Original) The method of claim 25, wherein the publication is performed during the auction price-setting process.

29.   (Original) The method of claim 25, wherein the publication is performed after the auction price-setting process.

30.   (Currently Amended) The method of claim 25, <u>said method</u> further comprising:

> automatically notifying a buyer when the reserve price is published.

31.   (Original) The method of claim 25, wherein the publishing includes publishing for view by a specific buyer only.

32.   (Original) The method of claim 25, wherein publishing includes displaying the maximum bid amount a buyer is willing to bid to purchase an item on the listing.